

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

TAVARIS SAMUELS *
*
Petitioner, *
*
v. * 1:13-CV-084
*
SCOTT CRICKMAR, *
*
Respondent. *

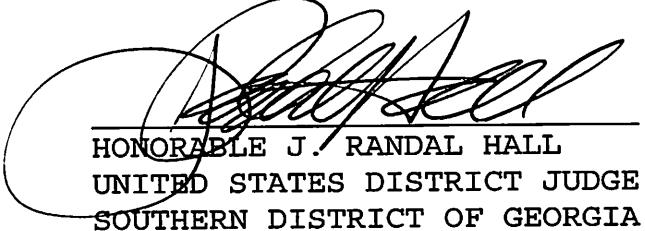
O R D E R

Presently before the Court is Petitioner Tavaris Samuels' Motion for Out of Time Appeal. (Doc. 24.) Petitioner seeks to appeal the denial of his habeas corpus petition brought pursuant to 28 U.S.C. § 2254 and/or this Court's simultaneous denial of a certificate of appealability ("COA"). In its September 10, 2014 Order, the Court agreed with the Magistrate Judge that there was no basis for federal habeas relief on the ten grounds asserted by Petitioner. (Doc. 20; Doc. 17 at 4-5, 11-29.) On February 19, 2015, Petitioner filed the instant motion, explaining that "he did not know to file his Appeal from the [9-10-14] Dismissal" because his "Legal Materials and Documents did not transfer with him" to a different correctional facility. (Doc. 24, ¶ 2.) He further requests that this Court "allow him to file a proper 'C.O.A.' Motion." (Id. ¶ 4.)

Pursuant to 28 U.S.C. § 2253(c)(1), an appeal may not be taken from a final order in a habeas corpus proceeding unless

the Court issues a COA. This certificate may issue only if Petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). As demonstrated by the Magistrate Judge's Report and Recommendation, which was adopted as the opinion of this Court, Petitioner has not made the requisite showing. (See Doc. 20.) The Court therefore **DENIES** Petitioner's Motion for Out of Time Appeal.¹ (Doc. 24.)

ORDER ENTERED at Augusta, Georgia, this 23rd day of February, 2015.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ The Court also notes that Petitioner submits several additional paragraphs with citations to the record and case law "for purposes of showing 'Case Merit.'" (Doc. 24, ¶¶ 5-9.) To the extent Petitioner seeks reconsideration of the Court's September 10, 2014 Order denying his § 2254 petition, the Court has considered the arguments presented in Paragraphs 5 through 9 but finds they offer nothing to persuade the Court that its decision was in error.